

HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b))

Description of the case.

W.P. No. 4116 of 2001 (S/S)
State of Uttaranchal

Vs.

P.O. Labour Court Dehradun and Kushal Singh.

Approved for reporting.

Not approved for reporting

Date of decision 19.5.2005

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 4116 of 2001 (SS)

State of Uttaranchal Petitioner

Versus

1. Presiding Officer, Labour Court, Dehradun
2. Kushal Singh Respondents

Standing Counsel for the petitioner
Sri. M.C. Pant, Advocate for the respondents.

Dated: 19.5.2005

Hon'ble Rejesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the award dated 25.4.2000 passed the Presiding Officer, labour Court in Case No. 17 of 2000.

Briefly stated, a reference under section 4 K of U.P. Industrial Dispute Act, 1997 was made to the Labour Court, Dehradun in which the respondent no. 2 filed his statement that he was engaged by the petitioner as Beldar on 13.6.1990 but he was removed from work on 29.6.1991 without any notice or without complying the provisions of Section 6N of the Act. The petitioner filed written statement and stated that the respondent no. 2 was engaged on daily wages as Beldar in the Department on 13.6.1990 and he worked till 29.6.1991. The Irrigation Department does not come under the definition of Industry and as such the reference before the Labour Court is not maintainable. The labour Court vide order dated 25.4.2000 passed award in favour of the respondent no. 2, directing the

petitioner to re-engage the respondent no.2 in service. Feeling aggrieved the present writ petition has been filed.

The learned counsel for the petitioner disputed the award passed by the Labour Court on the point that the Irrigation Department is not an Industry and secondly the workman had not completed continuous period of 240 days.

So far as the Irrigation Department being an industry is concerned this Court in the case *State of U.P. vs. Presiding Officer Labour Court and another* (2003 (96) FLR 317) has held as under:

The Apex Court in Des Raj and others vs. State of Punjab and others after applying the aforesaid text on the nature and activities carried on by the Irrigation Department held that Irrigation Department is an Industry.

Since the Kalagarh unit is the branch of Irrigation Department, therefore, the same is also Industry within the definition of 'Industry' under the U.P. Industrial Disputes Act in view of the law laid down by the Apex Court in Bangalore Water Supply and Sewerage Board vs. A. Rajappa's case."

So far as the workdone of 240 days is concerned the workman has fully proved that he had done work for more than 240 days. The Labour Court on the basis of evidence on record has held that the workman had worked from 13.6.1990 to 31.3.1991 for 252 days and from 1.6.1991 to 29.6.1991 for 20 days and no interference is required in the findings of the Labour Court on this point.

It is well settled that labour laws being beneficial piece of legislation as held in the case of *S.M. Nilajkar and other vs. Telecom, District Manager, Karnataka* 2003 (97) FLR 608. The observations of the Apex Court are quoted below:

“It is well settled by a catena of decisions that labour laws being beneficial pieces of legislation are to be interpreted in favour of the beneficiaries in case of doubt or where it is possible to take two views of a provisions.”

I find no reason to interfere with the award passed by the Labour Court against the petitioner. The writ petition lacks merit and is hereby dismissed. Let the award be complied with immediately. No order as to costs.

Rajesh Tandon J.

19.5.2005

*Dhyani